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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AUG 30 2010

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

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AZ CORP COMMISSION  
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION  
OF MCGRAW COMMUNICATIONS, INC.  
FOR APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY FOR  
RESOLD LOCAL EXCHANGE AND  
FACILITIES-BASED LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA.

DOCKET NO. T-04219A-09-0270

**PROCEDURAL ORDER**  
**SETTING HEARING DATE**

**BY THE COMMISSION:**

On May 29, 2009, McGraw Communications, Inc. ("McGraw" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold and facilities-based local exchange telecommunications services within the State of Arizona. McGraw's application also requests a determination that its proposed services are competitive within Arizona.

On June 15, 2009, the Commission's Utilities Division ("Staff") issued its First Set of Data Requests.

On September 15, 2009, McGraw filed responses to Staff's First Set of Data Requests.

On October 5, 2009, Staff issued a Second Set of Data Requests to McGraw.

On April 21, 2010, McGraw filed responses to Staff's Second Set of Data Requests, which included revised tariff pages.

On June 11, 2010, McGraw filed an updated Certificate of Good Standing and revised tariff pages as requested by Staff.

On August 19, 2010, Staff filed a Staff Report recommending approval of McGraw's application, subject to certain conditions.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall commence on **November 19, 2010, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that McGraw shall **publish notice** of the application and the hearing date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in which McGraw desires to provide service, **by September 30, 2010.**

**IN THE MATTER OF THE APPLICATION OF  
MCGRAW COMMUNICATIONS, INC. FOR APPROVAL OF A  
CERTIFICATE OF CONVENIENCE AND NECESSITY FOR  
RESOLD LOCAL EXCHANGE AND FACILITIES-BASED LOCAL  
EXCHANGE TELECOMMUNICATIONS SERVICES IN ARIZONA.  
(DOCKET NO. T-04219A-09-0270)**

On May 29, 2009, McGraw Communications, Inc. ("McGraw" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold and facilities-based local exchange telecommunications services within the State of Arizona. McGraw's application also requests a determination that its proposed services are competitive within Arizona. The Commission's Utilities Division ("Staff") has recommended approval of McGraw's application, subject to certain conditions. The Commission is not bound by the proposals made by McGraw, Staff, or any intervenors, and the Commission will issue a Decision following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application, Staff Report, and any written objections to the Staff Report filed by McGraw or any intervenor(s) will be available at McGraw's offices [insert address] and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on McGraw's application on **November 19, 2010, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/divisions/utilities/forms.asp> for instructions) or by mailing a letter referencing Docket No. T-04219A-09-0270 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to McGraw or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. The name, address and telephone number of the proposed intervenor and of any person upon whom service of documents is to be made if different from the intervenor;

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **October 18, 2010**. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. If representation by counsel is required by Rules 31 and 38 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal at [SABernal@azcc.gov](mailto:SABernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **McGraw shall file an Affidavit of Publication** with the Commission **no later than October 18, 2010**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene shall be filed by **October 18, 2010**.

IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by **November 1, 2010**.

IT IS FURTHER ORDERED that **McGraw or any intervenors** shall file specific disagreements/comments, if any, regarding the Staff Report by **November 1, 2010**.

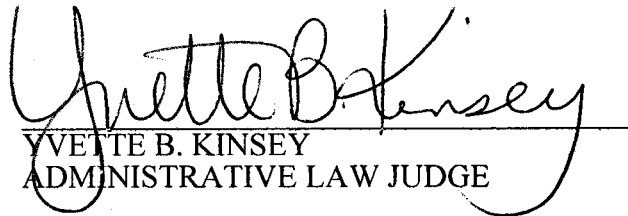
IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and before the Commission and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
2 Communications) applies to this proceeding and shall remain in effect until the Commission's  
3 Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 Dated this 30<sup>th</sup> day of August, 2010.

7  
8   
9 YVETTE B. KINSEY  
10 ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered  
12 this 30<sup>th</sup> day of August, 2010 to:


13 Lance J.M. Steinhart  
14 LANCE J.M. STEINHART, P.C.  
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ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1184

26 By:   
27 Debra Broyles  
28 Secretary to Yvette B. Kinsey